

Delaware Department of Agriculture
Pesticide Advisory Committee
Meeting Minutes for June 6, 2013

Attendees

- Steven Carter – Delaware Department of Agriculture (DDA)
- Allan Chorman – Chorman Aerial Spraying
- Jimmy Hughes – DDA
- Nathan Kleczewski – University of Delaware
- Thom May – Division of Public Health (DPH)
- Laura Mensch – DDA
- Bill Meredith – DNREC
- David Pyne – DDA
- Jake Vukich – DuPont Crop
- Christopher Wade – DDA

Introduction of Members – (Appointments/Reappointments)

- Members introduced themselves and their affiliations.

Call to Order and Acceptance of December 2012 Minutes

- Jake Vukich, Chair, welcomed all the members and started the meeting.
- The PAC meeting minutes were approved for December 2012.
- No additions were made to the agenda.

NPDES for Aquatic Pesticide Use Update – Bill Meredith

- Bill Meredith gave an update on the National Pollutant Discharge Elimination System (NPDES) permit from the national and state perspective. Now that the permit has been in effect for two years, some issues are surfacing that may need to be addressed at the time of renewal, in 2016. An example of one of these issues is the requirement of the United States Fish and Wildlife (USFW) service to submit a Biological Opinion under the Endangered Species Act (ESA) of land that would be treated under a NPDES permit as a stipulation of permit issuance. The USFW's involvement in the NPDES permitting process, in the form of the timely submittal of a Biological Opinion, means that any delay in the USFW submitting a Biological Opinion will delay the issuance of a NPDES permit. The Army Corps of Engineers has run into such a delay and is considering hiring a subcontractor to conduct a Biological Assessment itself. This gives rise to questions about responsibilities of various agencies in completing requirements of the NPDES permit process, and how any additional costs that may be incurred in meeting the requirements of the permit process should be addressed.
- Meredith also gave a legislative update. Senate Bill 802 (SB802) and House Bill 935 (HB935), currently in the Senate and House of Representatives, respectively, will both most likely not pass with Senate approval. However, language from HB935 has been attached to the 2013 Farm Bill.

USFW National Mosquito Management Policy Update

- The USFW service has recently decided to abandon efforts to create a national mosquito management policy document that would have delineated procedures regarding state mosquito management on USFW refuges. In light of the USFW abandoning the creation of a national standard, DNREC's Mosquito Control will revert to operating under management plans specific to each USFW refuge.

Pesticide in Water Quality Report – Laura Mensch

- Laura Mensch gave an update on the DDA Groundwater Monitoring Program. The Hydrologist collected groundwater samples from 102 of the 104 monitoring wells located throughout the state. Two wells did not produce sufficient water for sampling (were dry), so samples could not be collected from these wells.

- Mensch summarized the sampling results. Alachlor was not detected in any of the wells. Atrazine was detected in 10.8% of the wells, metolachlor in 2%, and simazine in 2.9%. All of the detections were below DDA's action level of 1.5 ppb (1/2 EPA's Maximum Contamination Level [MCL] of 3.0 ppb), with one exception (described below).
- Mensch reviewed a pie chart of 2013 atrazine results which showed that 89% of samples were non-detects, 6% were between 0.10-0.50 parts per billion (ppb), 2% were between 0.51-1.0 ppb, 2% were between 1.01-1.5 ppb, and 1% (one sample) was above 1.5 ppb. This sample was discussed at greater length and is summarized below.
- One well located in a highly agricultural area of New Castle County had a high detection for atrazine (3.16 ppb), metolachlor (0.383 ppb), and simazine (0.970 ppb). This well has been the subject of an ongoing investigation involving the DDA, Public Health, and DNREC. This well is being sampled at an increased frequency to monitor the levels of atrazine, metolachlor, and simazine. The levels of atrazine and metolachlor have fallen significantly from when the problem was first identified in the spring of 2011 (5.65 ppb atrazine, 2.20 ppb metolachlor). Members of the PAC discussed the DDA's response actions to a high pesticide residue detection, such as with this particular well. Mensch reviewed the DDA's response procedures, which involve sampling any nearby domestic wells that access the same aquifer and conducting a pesticide investigation to try to determine the source.

Certification and Training Updates – Steve Carter

- The DDA pesticide applicator licensing exams are currently undergoing revision. The revised CORE exam is scheduled to be released June 26th; revisions in the CORE exam include an increase in the number of questions and a shift in material focus. Category exams may also be revised at future dates.
- David Pyne and Steve Carter recently reviewed exam software in use at the Delaware Department of Motor Vehicles (DMV). This software allows repeat exam takers to complete different versions of the exam. Utilizing this technology at the DDA would be an improvement over the current pesticide licensing exam process, by which repeat exam takers are offered the same version of the exam multiple times.
- Carter is currently working on the creation of a narrated training DVD for registered service employees. To ensure that registered service employees are receiving proper training, companies will have to either utilize the DDA's DVD or submit their own training materials for review and approval.
- Carter discussed the creation of a training facility at the DDA building at the Fairgrounds in Harrington. Numerous pieces of audio-visual equipment have been installed at the DDA building.
- Carter and Pyne brought up the issue that 25-40% of people who sign up to take a pesticide applicator licensing exam do not show up to take the test. This excludes others from taking the test and decreases the efficiency of the use of state resources. Carter also observed a large percentage of exam takers not preparing by obtaining and studying test manuals, and thereby doing poorly on the exam. One proposed solution to this problem would be to institute a \$30 fee to take the test. If a participant passes the exam, the \$30 fee would be counted towards their certification. If a participant fails the exam, they would have to take the test again and pay another \$30 fee. This fee would encourage people to both show up to take the exam for which they have registered, and to study. Members of the PAC showed interest in this fee and agreed that it would be an appropriate way to deal with the aforementioned problems. Pyne stated he would further review the issue and discuss at the next PAC meeting.

Enforcement Updates – David Pyne

- David Pyne gave an update on recent enforcement activities within the DDA Pesticide Section:
 - DDA has sent out 13 Cease & Desist orders this spring to unlicensed lawn care companies. After receiving a Cease & Desist order, a company can not apply pesticides commercially until acquiring a license. If a company is found to be still applying pesticides, fines will be issued at \$2,500 per violation.

- Two pest control companies have been fined for pesticide misuse:
 - Civil penalty for a company using Termidor indoors for bed bug control.
 - A large builder in Lewes is the focus of an ongoing enforcement activity due to inadequate preconstruction termite treatment by a subcontracted pest control company.
- Pyne raises the question about the division between Ornamental & Turf (Category 03) and General Pest Control (Category 7A). Typically any perimeter treatment of a general pest occurring within a 2 foot band of a home falls under the General Pest Control category; any treatment more than 2 feet from home would fall under the Ornamental & Turf category. However, occasionally the situation arises in which an applicator wants to treat for a general pest beyond the 2 foot perimeter from a house (for example, to treat carpenter ants, ticks, or fleas occurring outside the home). Pyne stated that Maryland allows Category 7A applicators to treat general pests throughout the yard. So should the category be determined by the pest or by the site of application? Jake Vukich states that it does make sense to look at the target pest instead of the site in these instances. Pyne requests further input from PAC members – comments can be sent to David Pyne at David.Pyne@state.de.us.
- Pyne discusses DDA's efforts to purchase and utilize the web-enabled software called DriftWatch™, created by the University of Purdue in Indiana and currently in use in ten states for the 2013 growing season. DriftWatch™ is a national specialty crop site registry, which allows pesticide applicators to gain awareness of any registered areas sensitive to pesticides and minimize any drift onto these areas that may occur during a pesticide application. Pyne stated that he hopes to start using this program, pending approval by the state's Department of Technology and Information (DTI). Pyne seeks input from the PAC members. Vukich cautions about the liability of verifying information prior to its entry onto the site. Pyne replies that, if this program is approved and utilized, a dedicated Data Manager will be appointed and tasked with verifying all information prior to its entry onto the site. Meredith asks if there would be any enforcement issues if, for example, an applicator does not check the site prior to performing a pesticide application near a registered crop area. Pyne replied that the use of DriftWatch™ is completely voluntary and there would be no enforcement actions if an applicator does not check the site prior to performing an application. Further comments can be sent to David Pyne at David.Pyne@state.de.us.

Pesticide Stewardship Program Updates – David Pyne

- Pyne gave an updated on DDA's Pesticide Stewardship Programs: The Pesticide Container Recycling Program and the Environmental Sweep Program. The Container recycling program started up for the 2013 season in April. DDA is partnering with the Ag Container Recycling Council (ACRC) and is utilizing an ACRC vendor, U.S. Ag Recycling, Inc., for onsite chipping and sale of the baled plastic. DDA has baled approximately 16,000 containers for recycling. The vendor is sending a truck for pick up in mid-June. During FY 2013, approximately 40,000 containers were collected for recycling. The Environmental Sweep program offers farmers disposal of unwanted or obsolete pesticides. DDA has been authorized to use \$50,000 from the Pesticide Holding Fund to support this activity. DDA is contracting with MXI Environmental Services LLC Abington, VA. MXI is charging \$1.50 per pound for disposal. The pesticide waste is shipped to Heritage-WTI, Inc. for final disposal by incineration. DDA has completed two waste collections. Forty-three growers/applicators participated on the two dates. A total of 27,000 pounds of waste has been collected from the participants. DDA is pleased with the results of the initial collections.

Issues from Industry and/or Public Agencies Round Table

- No issues were brought up.

Next meeting is: Wednesday, December 11th, 2013 at 10 AM

Submitted by: _____

Date: _____

David H. Pyne
6/11/2013